

**IN THE UNITED STATE DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

JOE HAND PROMOTIONS, INC.,

Plaintiff,

v.

Civ. 15-216 GBW/SCY

CHARLIE'S SANDBOX, SANDBAR SPORTS  
BAR AND GRILL, THE SANDBOX GROUP, LLC,  
SB ABQ, LLC, NEW MEXICO BREWING SYSTEMS, LTD.,  
DUKE CITY FOOD TRUCKS, JOE LOPEZ, and JOE LUJAN,

Defendants.

**PROPOSED FINDING AND RECOMMENDED DISPOSITION**

THIS MATTER is before me on review of the record. On July 31, 2015, the Court entered an order extending the service deadline until August 21, 2015. *Doc. 3*. In this order, the Court noted that Plaintiff had failed to serve Defendants within the 120-day deadline contained in Federal Rule of Civil Procedure 4(m). The Court further explained that because service was untimely, Rule 4(m) required the Court to order that service be made within a specified time or, after notice to Plaintiff, dismiss the action without prejudice. The Court chose to order that service be made within a specified time – by August 21, 2015. The Court warned Plaintiff that absent a showing of good cause for a further extension, failure to serve Defendants by this deadline would result in the dismissal of Plaintiff's claims against Defendants without prejudice. August 21, 2015 has passed and Plaintiff has filed executed summons indicating that it has served Defendants Sandbar Sports Bar and Grill, Charlie's Sandbox, Joe Lopez, Joe Lujan, SB ABQ, LLC, and New Mexico Brewing Systems, Ltd. *Docs. 4-9*. Plaintiff has not served Defendants The

SandBox Group, LLC or Duke City Food Trucks or filed a request for an extension of time to serve these Defendants.

It is, therefore, my recommendation that the Court dismiss Plaintiff's claims against The SandBox Group, LLC or Duke City Food Trucks without prejudice under Rule 4(m).

  
STEVEN C. YARBROUGH  
UNITED STATES MAGISTRATE JUDGE

**THE PARTIES ARE FURTHER NOTIFIED THAT WITHIN 14 DAYS OF SERVICE of a copy of these Proposed Findings and Recommended Disposition they may file written objections with the Clerk of the District Court pursuant to 28 U.S.C. § 636(b)(1). A party must file any objections with the Clerk of the District Court within the fourteen-day period if that party wants to have appellate review of the proposed findings and recommended disposition. If no objections are filed, no appellate review will be allowed.**